

**REMARKS**

In response to the Office Action dated December 2, 2005, Applicant respectfully requests reconsideration based on the following remarks.

A review of the claims indicates that:

Claims 1-20 were previously pending.

No new claims are added.

Claims 1-6 and 9-20 have been amended.

Claim 8 is canceled.

Claims 1-7 and 9-20 are currently pending in this application, with claims 1, 17, and 20 being independent.

Applicant respectfully submits that the claims as presented are in condition for allowance.

**Rejections under 35 U.S.C. §102(e)**

The Office rejects claims 1-3, 5, and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0120273 A1 to Border et al., hereinafter "Border." The Office rejects claims 1, 8-10, 15 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2003/0158656 A1 to David, hereinafter "David." These rejections are respectfully traversed.

**Claim 1**

Claim 1, as amended, defines a method for delivering a stored message to a satellite radio receiver, including:

receiving a password protected request from a subscriber via a wireless communication device associated with a first subscription service to retrieve the subscriber's personal message;

retrieving the message from a second subscription service;

encoding the message for satellite transmission; and

transmitting the message to a satellite via the second subscription service for delivery to the satellite radio receiver, wherein the satellite radio receiver decodes the message.

The Border document does not show or disclose every element of claim 1. For example, Border does not show or disclose a method for delivering a stored message to a satellite radio receiver following a subscriber request for the retrieval of a personal message via a wireless communication device. Instead, Border discloses a method for selecting a transmission rate and coding scheme for use in satellite communications by performing a ranging process between a hub and remote terminal (Border, ¶0007). This method in Border does not show or disclose a method for the transmission of stored personal messages to a satellite radio receiver for subscriber receipt, as in Applicant's amended claim 1. The method disclosed in claim 1 enables a subscriber with paid subscriptions to multiple wireless communication services to request and receive a stored personal message across services for eventual listening via a satellite radio receiver, such as

1 an automobile receiver for a satellite music service. The method of claim 1  
2 ensures privacy and protection of a subscriber's personal messages by requiring  
3 secure password entry upon the request for message retrieval. For example, in an  
4 automotive setting this method can be of beneficial use for a subscriber to tune in  
5 to a satellite radio frequency and listen to personal messages, hands-free, while  
6 driving. Because the Border publication does not show or disclose every element  
7 of the method of Applicant's claim 1, Applicant submits claim 1 is allowable over  
8 Border.

9 Likewise, the David publication does not show or disclose every element of  
10 amended claim 1. That is, David does not show or disclose a method for  
11 delivering a stored message to a satellite radio receiver following a subscriber's  
12 password protected request for the retrieval of a personal message. In contrast, the  
13 David publication discloses a system for locating and controlling a remote device  
14 through the use of a global locating device and global location satellite system  
15 (David, ¶0008 and ¶0029). In David, information regarding the location of a  
16 remote device, received by a device such as a global positioning system (GPS)  
17 device, is transmitted to a global location satellite (David, ¶0029). This system in  
18 David does not show or disclose a method for transmitting stored personal  
19 messages across services, ultimately to a satellite radio receiver, following a  
20 subscriber's request for a personal message, as in Applicant's amended claim 1.

21 Because the Border and David publications do not show or disclose each  
22 element of Applicant's claim 1, they do not anticipate claim 1. Applicant  
23 respectfully submits that claim 1, as amended, is allowable over the cited patent  
24 application publications.  
25

**Claims 2, 3, 5, 8-10 and 15**

For at least the reasons set forth above with respect to claim 1, Applicant submits that dependent claims 2, 3, 5, 8-10 and 15 are also allowable and are not anticipated by the Border and David publications. Dependent claims contain the language of the claims from which they depend. Claims 2, 3, 5, 8-10 and 15 depend from claim 1, and therefore, these claims should also be allowable for the reasons stated above with respect to claim 1 when contrasted with the Border and David patent application publications as well as for the additional features they recite.

**Claim 20**

Claim 20, as amended, defines a system for delivering a stored message to a satellite radio receiver, including:

means for receiving a password protected request from a subscriber via a wireless communication device associated with a first subscription service to retrieve the subscriber's personal message;

means for retrieving the message from a message server of a second subscription service;

means for encoding the message via a server for satellite transmission; and

means for transmitting the message to the satellite via the second subscription service for delivery to the satellite radio receiver, wherein the satellite radio receiver decodes the message.

1  
2 Applicant respectfully submits that claim 20, as amended, is not anticipated  
3 by the Border and David patent application publications for similar reasons as  
4 explained for claim 1. Claim 20 describes a system for delivering a stored message to  
5 a satellite and a satellite radio receiver following a subscriber request for retrieval of a  
6 personal message via a wireless communication device. Border does not show or  
7 disclose a system for retrieving a subscriber's personal message, as in Applicant's  
8 claim 20, but instead discloses a method for selecting transmission rates and coding  
9 schemes for use in satellite communications.

10 Similarly, the David publication does not show or disclose a system for  
11 delivering a subscriber's personal stored message to a satellite radio receiver as  
12 disclosed in Applicant's amended claim 20, but instead discloses a system for  
13 locating and controlling a remote device through the use of a global locating  
14 device and global location satellite system.

15 Because the Border and David patent application publications do not show or  
16 disclose each element of Applicant's claim 20, Applicant respectfully submits that  
17 Border and David do not anticipate claim 20 and that claim 20 is allowable over  
18 Border and David.

19  
20 **Rejections under 35 U.S.C. §102(b)**

21 The Office rejects claims 1, 4, 6, 8, 9, 15, and 20 under 35 U.S.C. §102(b)  
22 as anticipated by U.S. Patent No. 6,272,339 to Wiedeman, hereinafter  
23 "Wiedeman." The Office rejects claims 1, 8, 9, 12, and 13 under 35 U.S.C.  
24 §102(b) as anticipated by U.S. Patent Application Publication 2003/0028890 A1 to  
25

1 Swart et al, hereinafter "Swart." The Office rejects claim 17 under 35 U.S.C.  
2 §102(b) as anticipated by U.S. Patent Application Publication 2001/0037210 to  
3 Hirayama, hereinafter "Hirayama." These rejections are respectfully traversed.  
4

5 **Claim 1**

6 Applicant submits that the Wiedeman and Swart documents do not show or  
7 disclose every element of amended claim 1, and therefore do not anticipate claim  
8 1. Applicant's claim 1 discloses a method for delivering stored messages across  
9 services to a satellite radio receiver following a subscriber request for the retrieval  
10 of a personal message via a wireless communication device. The Wiedeman  
11 patent, in contrast to claim 1, discloses a global mobile paging system that enables  
12 users of the system to receive pages based on location and availability, but with an  
13 added ability to move about freely and receive pages over wide geographical areas  
14 (Wiedeman, Col 1, lines 45-50 and 57-62). The system allows the receipt of pages  
15 over regions where there are incompatible paging systems, thereby giving the user  
16 the ability to roam without fear of missing a page (Col 2, lines 6-10). This system  
17 in Wiedeman does not show or disclose a method for the retrieval of personal  
18 messages from a message server and satellite radio receiver following a subscriber  
19 message request, nor does Wiedeman show or disclose the ability of a subscriber  
20 to listen to a personal message from a subscription satellite radio service.

21 Likewise, the Swart reference does not show or disclose every element of  
22 Applicant's claim 1, as amended. Swart discloses a video and digital multimedia  
23 aggregator system, which responds to a request from a multimedia viewer for a  
24 particular program (Swart, ¶0018). The system conducts a search and delivers the  
25

1 requested program, regardless of type, i.e. television, video, audio, radio, etc., to  
2 the viewer in digital format (Swart, ¶0019). This system does not show or disclose  
3 the method of transmitting personal messages to a satellite radio receiver upon  
4 subscriber request via a wireless communication device, as in Applicant's claim 1.

5 Because the Wiedeman and Swart documents do not show or disclose the  
6 method of Applicant's claim 1, as amended, Applicant respectfully submits the  
7 references do not anticipate claim 1. Thus, Applicant respectfully submits that  
8 claim 1 is allowable over Wiedeman and Swart.

9  
10 **Claims 4, 6, 8, 9, 12, 13, & 15**

11 For at least the reasons set forth above with respect to claim 1, as amended,  
12 Applicant submits that dependent claims 4, 6, 8, 9, 12, 13, and 15 are also  
13 allowable and are not anticipated by the Wiedeman and Swart documents.  
14 Dependent claims contain the language of the claims from which they depend.  
15 Claims 4, 6, 8, 9, 12, 13 and 15 depend from claim 1, and therefore, these claims  
16 should also be allowable for the reasons stated above with respect to claim 1 and  
17 the Wiedeman and Swart documents, as well as for the additional features that  
18 they recite.

19 **Claim 17**

20 Claim 17, as amended, defines a computer program stored on a  
21 computer readable medium, including instructions to:

22 receive a password protected request from a subscriber via a wireless  
23 communication device associated with a first subscription service to  
24 retrieve the subscriber's personal message;  
25

1 retrieve the message stored for a subscriber from a message server  
2 via the second subscription service; and  
3 encode the message via the server for satellite transmission.  
4

5 The Hirayama publication does not show or disclose every element of  
6 claim 17, as amended. For example, Hirayama does not show or disclose a  
7 computer program with instructions for receiving a password protected subscriber  
8 request for retrieval of a personal message, and the encoding of a personal  
9 message by a server for transmission to a satellite. Instead, Hirayama discloses a  
10 customer management system for retail stores, which streamlines the reception  
11 and organization of customer information while reducing time and money spent by  
12 the stores (Hirayama, ¶0006 and ¶0007). Applicant's claim 17 and Hirayama  
13 disclose two entirely different systems and computer programs which are  
14 unrelated. The system and computer program in Hirayama do not show or  
15 disclose every element of Applicant's claim 17, therefore, Applicant respectfully  
16 submits claim 17, as amended, is not anticipated and is allowable over Hirayama.  
17  
18

19 **Claim 20**

20 Applicant respectfully submits that claim 20 as amended, is not anticipated  
21 by the Wiedeman patent for similar reasons as explained for claim 1. Claim 20  
22 describes a system for delivering a stored message to a satellite and a satellite radio  
23 receiver following a subscriber request for retrieval of a personal message via a  
24 wireless communication device. In contrast, Wiedeman discloses a global mobile  
25



1 paging system that enables users of the system to receive pages while moving about  
2 freely over wide geographical areas. Wiedeman does not disclose a system for  
3 delivering a stored, personal message to a satellite radio receiver following a wireless  
4 communication device subscriber's request for the message.

5 Because Wiedeman does not show or disclose every element of Applicant's  
6 claim 20, Applicant respectfully submits claim 20 is not anticipated by, and is  
7 allowable over, this patent.

8  
9 **Rejections under 35 U.S.C. §103(a)**

10 The Office rejects claims 6 and 7 under 35 U.S.C. §103(a) as being  
11 unpatentable over "Border" in view of "Hirayama," and rejects claim 11 as  
12 unpatentable over "David" in view of U.S. Patent Application Publication  
13 2002/0103728 to Naghshineh et al., hereinafter "Naghshineh." The Office rejects  
14 claim 14 under 35 U.S.C. §103(a) as being unpatentable over "Wiedeman" in view  
15 of U.S. Patent Application Publication 2003/0006910 to Dame, hereinafter  
16 "Dame," and rejects claim 16 as unpatentable over "Wiedeman" in view of  
17 "Swart." Lastly, the Office rejects claim 17 under 35 U.S.C. §103(a) as  
18 unpatentable over "Wiedeman" in view of "Hirayama," rejects claim 18 as being  
19 unpatentable over "Hirayama" in view of "Swart," and rejects claim 19 as being  
20 unpatentable over "Hirayama" in view of "Dame." These rejections are  
21 respectfully traversed.

22  
23  
24  
25

**Claims 6, 7, 11, 14, and 16**

Claims 6, 7, 11, 14, and 16 are dependent claims of independent claim 1. Above, with respect to the rejections under U.S.C. §102(b) and U.S.C. §102(e), the Applicant argues that amended claim 1 is patentable over the Border, David, and Wiedeman documents, and is not anticipated by them. None of the cited documents show or disclose every element of Applicant's amended claim 1.

Similarly, the Border, David, and Wiedeman documents, taken alone or in combination, do not teach or suggest all of the elements of Applicant's amended claim 1. Therefore, claim 1 would not have been obvious in view of these references under U.S.C. §103(a). The Border, David, and Wiedeman documents do not teach or suggest a method of delivering a stored personal message to a satellite radio receiver following a subscriber request for the retrieval of a personal message, as in Applicant's amended claim 1. The Naghshineh, Dame, Swart and Hirayama documents fail to remedy the deficiencies of Border, David, and Wiedeman, noted above with respect to claim 1. Therefore, Applicant respectfully submits amended independent claim 1 is not obvious in view of these references.

For at least these reasons set forth with respect to amended claim 1, Applicant submits that dependent claims 6, 7, 11, 14, and 16 are also not obvious over the Border, David, and Wiedeman references. Dependent claims contain the language of the claims from which they depend. Claims 6, 7, 11, 14, and 16 depend from claim 1, and therefore, these claims should be allowable for the reasons stated above with respect to claim 1.

**Claim 17**

The Office rejects claim 17 under 35 U.S.C. §103(a) as unpatentable over “Wiedeman” in view of “Hirayama.” The cited documents do not teach or suggest all of the elements of claim 17, as amended. In order to establish obviousness, the document or documents must teach or suggest all of the limitations of the claim. The Wiedeman patent does not teach or suggest a computer program with instructions for receiving a password protected subscriber request for retrieval of a personal message, and the encoding of a personal message by a server for transmission to a satellite, as in Applicant’s amended claim 17. In contrast, the Wiedeman patent merely discloses a global mobile paging system that enables users of the system to receive pages while having the ability to move about freely and receive pages over wide geographical areas.

The Office’s addition of the Hirayama publication does not provide the missing teachings of Wiedeman. Hirayama discloses a customer management system for retail stores to streamline the reception and organization of customer information while reducing time and money spent by the stores. This disclosure adds nothing to the teachings of Wiedeman.

Because the Wiedeman and Hirayama documents, alone or in combination, do not teach or suggest all of the elements of Applicant’s claim 17, Applicant respectfully submits that amended claim 17 is allowable over Wiedeman and Hirayama and requests that the 35 U.S.C. §103(a) rejection be withdrawn.

**Claims 18 and 19**

For at least these reasons set forth with respect to claim 17, as amended, Applicant submits that dependent claims 18 and 19 are not rendered obvious by the Wiedeman and Hirayama documents. Dependent claims contain the language of the claims from which they depend. Claims 18 and 19 depend from claim 17, and therefore, these claims should be allowable for the reasons stated above with respect to amended claim 17 and the cited documents, as well as for the additional features that they recite.

1 Conclusion

2 The Applicant submits that all of the claims in this application are now in  
3 condition for allowance. Applicant respectfully requests that an early Notice of  
4 Allowability be issued. If there are any questions, Applicant respectfully requests  
5 that the undersigned attorney be contacted for the purpose of scheduling an  
6 interview.

7  
8 Respectfully Submitted,

9  
10 Dated: 2/24/06

11 By: *David A. Divine* #45,988 for David Divine

12 David A. Divine

13 Reg. No. # 51,275

14 Lee & Hayes PLLC

15 Suite 500

16 421 W. Riverside Avenue

17 Spokane, Washington 99201

18 Telephone: 509-324-9256 x233

19 Facsimile: (509) 323-8979  
20  
21  
22  
23  
24  
25